

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

TIMOTHY J. MCGEE and
MICHAEL W. ZIRINSKY,

Defendants,

KELLIE F. ZIRINSKY,
JILLYNN ZIRINSKY,
ROBERT L. ZIRINSKY,
GERALDINE A. ZIRINSKY and
MARY L. ZIRINSKY,

Relief Defendants.

Civil Action No. 2:12-cv-01296-TJS

Jury Trial Demanded

ORDER

AND NOW, this _____ day of _____, 2015, based upon the Plaintiff's

Motion for Summary Judgment Against Defendants Timothy J. McGee and Michael W.

Zirinsky, and the responses and any replies thereto, it is hereby ORDERED that:

1. Plaintiff's Motion for Summary Judgment is GRANTED;
2. Summary Judgment is granted in favor of Plaintiff Securities and Exchange Commission and against Defendants Timothy J. McGee and Michael W. Zirinsky;
3. Defendants Timothy J. McGee and Michael W. Zirinsky, and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of the injunction by personal service or otherwise, are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];
4. Defendant Timothy J. McGee is liable for disgorgement of \$292,128, prejudgment interest of \$60,769, and is held jointly and severally liable for \$1,269,343 in downstream profits and interest with Michael W. Zirinsky (for the entire amount), and with the respective downstream traders (for the respective amounts attributable

to each in the Order granting Summary Judgment against the Relief Defendants to be entered in conjunction with this Order);

5. Defendant Timothy J. McGee is liable for a civil penalty pursuant to Section 21A of the Securities Exchange Act of 1934 in an amount to be determined by the Court;
6. Defendant Michael W. Zirinsky is liable for disgorgement of \$46,396, prejudgment interest of \$10,922, and is held jointly and severally liable for \$1,212,025 in downstream profits and interest with Timothy J. McGee (for the entire amount), and with the respective downstream traders (for the respective amounts attributable to each in the Order granting Summary Judgment against the Relief Defendants to be entered in conjunction with this Order); and
7. Defendant Michael W. Zirinsky is liable for a civil penalty pursuant to Section 21A of the Securities Exchange Act of 1934 in an amount to be determined by the Court.

BY THE COURT,

The Honorable Timothy J. Savage
United States District Judge